IN THE UNITED STATES DISTRICT COURT FOR

THE WESTERN DISTRICT OF OKLAHOMA

FILED

MAY 4 2007

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY_____ DEPUTY

BRUCE W. DRAPER,   )
)
              Plaintiff,   )
)
vs.   )   No. CIV-07-237-W
)
DON BOWAN et al.,   )
)
              Defendants.   )

ORDER

On April 12, 2007, United States Magistrate Judge Bana Roberts issued a Report

and Recommendation in this matter and recommended that this matter be dismissed

without prejudice. Plaintiff Bruce W. Draper was advised of his right to object, but no

objection has been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Roberts'

suggested disposition of this matter. Draper was required to pay an initial partial filing fee

in the amount of $9.00. Because he tendered $5.00 at the time he filed his complaint, he

was ordered to pay the remaining $4.00 on or before March 22, 2007. He was advised that

this action was subject to dismissal if he failed to pay this initial partial filing fee or failed

to show cause in writing for the failure to pay.

Draper has not paid the filing fee as ordered or explained in writing why he has

failed to do so.[1] Accordingly, the Court

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[1]The Clerk of the Court mailed Magistrate Judge Roberts' Report and Recommendation
to the address listed by Draper in his complaint. See Rule 5.5(a), Rules of the United States
District Court for the Western District of Oklahoma (papers sent to last known address deemed
delivered). The record indicates that the document was returned to the Clerk by the United States
Postal Service with the following notations on the envelope: "Return to Sender Undeliverable as
Addressed" and "Moved, Left No Address." Rule 5.5(a), supra, requires pro se litigants to provide

(1) ADOPTS the Report and Recommendation issued on April 12, 2007; and

(2) DISMISSES this matter without prejudice to refiling.

ENTERED this _____ day of May, 2007.

LEE R. WEST
UNITED STATES DISTRICT JUDGE

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the Court with a mailing address and to file with the Clerk notice of any change of address. Draper has not complied with this Rule.